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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
. 10/017,750 12/07/2001		Harold Kester	WEBSEN.034A	8849	
20995	7590 10/18/2005		EXAMINER		
	ARTENS OLSON &	CHOJNACKI, MELLISSA M			
2040 MAIN S FOURTEEN			ART UNIT	PAPER NUMBER	
IRVINE, CA 92614			2164		
		DATE MAILED: 10/18/2005			

Please find below and/or attached an Office communication concerning this application or proceeding.

## Disposition of Claims  ### Disposition of Claims  ### Disposition of Claims  ### Disposition of Special Residual of the Barbard Special of Disposition of Special in Special Claims										
Examiner  Mellissa M. Chojnacki  2164 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3°C RF. 1.15(e). In ne event, however, may a reply be timely filed with st X(x) MONTHS from the mailing date of this communication.  Fabric to reply within the set or extended period for reply will, by slabidus, cause the application to biscome ABANDONED (38 U.S.C. § 133).  Arry reply received by the Office their them from emiliar after the mailing date of this communication, own if timely filed, may reduce any semicone patient term adjustment. See 37 CPR 1.76(t).  Status  1) Responsive to communication(s) filed on O1 August 2005.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-54 and 97-103 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 1-54 and 97-103 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Craim(s) is/are objected to by the Examiner.  4) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All by Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All by Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) Copies of the certified copies of the priority documents have been received in Application No.  3. Co	Office Action Summan		Applicat	Application No.		Applicant(s)				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  ■ Extensions of time may be available under the provisions of 37 CFR 1.35(a). In or event, however, may a reply be timely filed and the communication for reply in specified above, the maximum statistic profit of way apply and will expise 1xx (59) MONTHS from the mailing date of this communication for reply in specified the communication.  ■ Failure to reply within the set or extended preside for reply will, by statule, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office and the time in the ten mailing date of this communication, even if timely filed, may reduce any caused patient to mailing date of this communication, even if timely filed, may reduce any caused patient to mailing date of this communication, even if timely filed, may reduce any caused patient to mailing date of this communication, even if timely filed, may reduce any caused patients to application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ○ Claim(s)			Mellissa	M. Chojnacki	2164					
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Application/Control Number: 10/017,750

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# DETAILED ACTION

#### Remarks

1. In response to communications filed on April 13, 2005, claims 55-96 are cancelled; no claims have been amended, and no new claims have been added. Therefore, claims 1-54 and 97-103 are presently pending in the application.

### **Double Patenting**

- 2. Claims 1-54 and 97-103 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-60 of U.S. Patent No. 10/390547. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims disclose a workstation that can be used by a user to send a request identifier. Send the identifier to a database factory if the identifier is not in the database or categorized. Both also disclose rules/policies associated with the categories.
- 3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

#### Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571) 272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 4, 2005 Mmc

SAM RIMFI I PRIMARY EXAMINER